

12138929679 T-623

For purpose only

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	10/781,490
Applicant	:	Michael Cohen
Filed	:	February 17, 2004
TC/A.U.	:	2831
Examiner	:	Eric W. Thomas
Docket No.:	:	6658-111XX10402353
Customer No.:	:	000167

Confirmation No.: 3111

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CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R.
§ 1.6

I hereby certify that this document is facsimile transmitted to the United States Patent and Trademark Office, Examiner Eric W. Thomas, Group Art Unit 2831, facsimile number (703) 872-9006 on October 1, 2004.

Dena S. Hill
Dena S. Hill

AMENDMENT

**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

Dear Sir:

In response to the Office Action dated July 19, 2004, please amend the above-identified application as follows:

Amendments to the Specification are reflected on the substitute specification submitted herewith and identified on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 4 of this paper.

[illegible]

Appl. No.: 10/781,490
Amdt. Dated: October 1, 2004
Reply to Office Action of July 19, 2004

REMARKS

The Examiner has objected to the claims on the basis that the designation "w/w%" is confusing. Applicant has amended the specification on page 4 thereof to insert the statement "the designation w/w% as used throughout the specification and claims means "weight per weight percent". Applicant respectfully submits that this symbol w/w% is a well accepted symbol. Attached hereto are printouts of pages from a GOOGLE search demonstrating that the designation "w/w" means "weight per weight" and "w/w%" means "weight per weight percent". Applicant respectfully submits that by inserting the statement on page 4, all possibility of confusion has been eliminated and since this is a well accepted designation by those skilled in the art that there is no new matter being added and that the use of the term in the claims and in the specification is not confusing.

A Petition for One-Month Extension of Time is also accompanied herewith.

As a result of the foregoing substitute specification and claims and the foregoing remarks, Applicant respectfully submits that the application is now in condition for allowance and the issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

Date: October 1, 2004



Billy A. Robbins
Registration No. 18,313
Attorney for Applicant

FULBRIGHT & JAWORSKI L.L.P.
865 South Figueroa Street, 29th Floor
Los Angeles, California 90017
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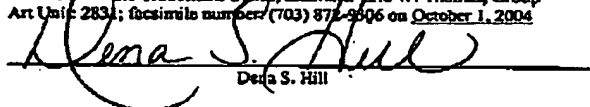
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Dana S. Hill

AMENDMENT

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17364 -U.S. PTO
021704

The PTO will not accept the following
listed amount: a check for
\$385.00

PTO/SB/17 (10-03)

Approved for use through 7/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 385.00

Complete if Known	
Application Number	Not Yet Assigned
Filing Date	Concurrently Herewith
First Named Inventor	Michael Cohen
Examiner Name	Not Yet Assigned
Art Unit	N/A
Attorney Docket No.	LA-6658-111.US

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number: 50-0337

Deposit Account Name: Fulbright & Jaworski L.L.P.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1001	770	Utility filing fee	385.00
		1002	340	Design filing fee	
		1003	530	Plant filing fee	
		1004	770	Reissue filing fee	
		1005	160	Provisional filing fee	

SUBTOTAL (1) (\$) 385.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
7	-20** =		0.00
Independent Claims	1	-3** =	0.00
Multiple Dependent			

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1202	18	Claims in excess of 20	
		1201	86	Independent claims in excess of 3	
		1203	290	Multiple dependent claim, if not paid	
		1204	86	** Reissue independent claims over original patent	
		1205	18	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0.00

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1051	130	2051 65 Surcharge - late filing fee or oath	
		1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
		1053	130	1053 130 Non-English specification	
		1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
		1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
		1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
		1251	110	2251 55 Extension for reply within first month	
		1252	420	2252 210 Extension for reply within second month	
		1253	950	2253 475 Extension for reply within third month	
		1254	1,480	2254 740 Extension for reply within fourth month	
		1255	2,010	2255 1,005 Extension for reply within fifth month	
		1401	330	2401 165 Notice of Appeal	
		1402	330	2402 165 Filing a brief in support of an appeal	
		1403	290	2403 145 Request for oral hearing	
		1451	1,510	1451 1,510 Petition to institute a public use proceeding	
		1452	110	2452 55 Petition to revive - unavoidable	
		1453	1,330	2453 665 Petition to revive - unintentional	
		1501	1,330	2501 665 Utility issue fee (or reissue)	
		1502	480	2502 240 Design issue fee	
		1503	640	2503 320 Plant issue fee	
		1460	130	1460 130 Petitions to the Commissioner	
		1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
		1808	180	1808 180 Submission of Information Disclosure Stmt	
		8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
		1809	770	2809 385 Filing a submission after final rejection (37 CFR 1.129(a))	
		1810	770	2810 385 For each additional invention to be examined (37CFR 1.129(b))	
		1801	770	2801 385 Request for Continued Examination (RCE)	
		1802	900	1802 900 Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00

SUBMITTED BY

Name (Print/Type)	Bill A. Robbins	Registration No. (Attorney/Agent)	18,313	Telephone	(213) 892-9310
Signature		Date	February 17, 2004		

Fee Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV323596346US, in an envelope addressed to: MS Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: February 17, 2004

Signature: (Linda J. Werk)

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2003

Application or Docket Number

10781490

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
TOTAL CLAIMS	7	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	7 minus 20=	* ϕ
INDEPENDENT CLAIMS	1 minus 3 =	* ϕ
MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/>		

* If the difference in column 1 is less than zero, enter "0" in column 2

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

RATE	FEE
BASIC FEE	385.00
X\$ 9=	
X43=	
+145=	
TOTAL	385

RATE	FEE
BASIC FEE	770.00
X\$18=	
X86=	
+290=	
TOTAL	

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	10/18	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR
Total	*	7	Minus ϕ
Independent	*	1	Minus ϕ
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

RATE	ADDITIONAL FEE
X\$ 9=	
X43=	
+145=	
TOTAL	

RATE	ADDITIONAL FEE
X\$18=	
X86=	
+290=	
TOTAL	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR
Total	*		Minus **
Independent	*		Minus ***
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE
X\$ 9=	
X43=	
+145=	
TOTAL	

RATE	ADDITIONAL FEE
X\$18=	
X86=	
+290=	
TOTAL	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR
Total	*		Minus **
Independent	*		Minus ***
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/>			

RATE	ADDITIONAL FEE
X\$ 9=	
X43=	
+145=	
TOTAL	

RATE	ADDITIONAL FEE
X\$18=	
X86=	
+290=	
TOTAL	

- * If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 - ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
 - *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."
- The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.